

SENATE BILL NO. 803

(Substitute for Senate Bill No. 773 by Sen. Donahue)

BY SENATORS DONAHUE, CHEEK, B. GAUTREAUX, MOUNT, PETERSON AND  
NEVERS AND REPRESENTATIVE SIMON

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AN ACT

To amend and reenact R.S. 44:4.1(B)(15) and to enact Part IX-A of Chapter 1 of Title 28 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 28:215.1 through 215.6, relative to coroners; to provide for the establishment of a Coroner's Strategic Initiative for a Health Information and Intervention Program within a specified office of the coroner; to provide for certain services; to provide for consent; to provide for the Coroner's Strategic Initiative for a Health Information and Intervention Program advisory board; to provide for an exception to the public records law; to provide for duties of certain treatment facilities; to provide for limitations of liability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part IX-A of Chapter 1 of Title 28 of the Louisiana Revised Statutes of 1950, comprised of R.S. 28:215.1 through 215.6, is hereby enacted to read as follows:

**PART IX-A. CORONER'S STRATEGIC INITIATIVE FOR A**  
**HEALTH INFORMATION AND INTERVENTION PROGRAM**  
**§215.1. Coroner's Strategic Initiative for a Health Information and**  
**Intervention Program; creation**  
**The office of the coroner in a parish having a population between one**  
**hundred ninety-one thousand and two hundred thousand according to the latest**  
**federal decennial census is hereby authorized to establish within his office a**  
**Coroner's Strategic Initiative for a Health Information and Intervention**

1 Program, hereinafter referred to as "CSI/HIP".

2 §215.2. Coroner's Strategic Initiative for a Health Information and  
3 Intervention Program; powers and duties

4 Subject to the availability of adequate funding, a CSI/HIP may perform  
5 any of the following functions:

6 (1) Provide a home-based support system, which shall not provide any  
7 mental health treatment but rather shall provide aid to the individual to ensure  
8 that the treatment protocol is being met and to access available mental health  
9 resources in the community for persons who satisfy all of the following criteria:

10 (a) The person was committed pursuant to Part III of Chapter 1 of Title  
11 28 of the Louisiana Revised Statutes of 1950.

12 (b) The person has completed the treatment program and has been  
13 released.

14 (c) The person has voluntarily consented to have personnel of the  
15 coroner, performing duties in conjunction with the CSI/HIP, periodically visit  
16 the person at the person's residence.

17 (2) Establish a community resource center that is accessible by telephone  
18 or Internet to provide twenty-four hour support for persons suffering from a  
19 mental health or substance abuse condition or disorder by providing  
20 educational and outreach materials about the resources for mental health  
21 patients which are available in the community, including the location,  
22 transportation, and methods for accessing these resources.

23 (3) Apply for and receive any grants, funds or monies from any  
24 foundation, nonprofit organization, state or federal governmental agency or  
25 entity.

26 §215.3. Treatment facilities; dissemination of information

27 A. For the purposes of this Section, "treatment facility" shall mean any  
28 healthcare facility which provides services or treatment to a person who is  
29 suffering from a mental health or substance abuse condition or disorder except  
30 for a nursing home as defined in R.S. 40:2009.2.

1           B. A treatment facility shall provide all individuals in the parish  
2           suffering from a mental health condition or disorder upon discharge or release  
3           an information and consent form which details the information, programs and  
4           services which can be provided by the CSI/HIP to individuals suffering from  
5           mental health conditions and disorders and includes a voluntary consent form  
6           for the individual to complete if the individual desires to have the treatment  
7           facility notify the CSI/HIP on behalf of the individual that the individual would  
8           like to be contacted by the CSI/HIP to receive additional information about the  
9           program.

10           C. The information and consent forms shall be provided to the  
11           treatment facility by the CSI/HIP.

12           §215.4. Consent

13           A. Prior to personnel of the coroner's office or CSI/HIP providing any  
14           home-based supports or services to an individual, the personnel of the coroner's  
15           office or of the CSI/HIP shall provide the individual in writing a full disclosure  
16           of all services to be provided, frequency of home visits, and notice that the  
17           individual may withdraw his consent in writing at any time. In addition, the  
18           individual shall also consent in writing to the list of persons, if any, with whom  
19           the personnel of the coroner or the CSI/HIP may discuss his mental condition.

20           B. The personnel of the office of the coroner or the CSI/HIP shall ensure  
21           that if any protected health information of an individual is to be obtained from  
22           any healthcare provider that the information is obtained in accordance with the  
23           Health Insurance Portability and Accountability Act of 1996.

24           C. The office of the coroner or the CSI/HIP shall provide a copy to the  
25           individual of all signed consent forms.

26           D. All records of interviews, questionnaires, reports, statements, notes,  
27           and memoranda procured by and prepared by employees or agents of the office  
28           of coroner or by any other person, agency, or organization acting jointly with  
29           that office pursuant to a function which is authorized by R.S. 28:215.2 shall be  
30           deemed nonpublic and confidential information.

1           §215.5. Coroner's Strategic Initiative for a Health Information and  
 2                                   Intervention Program; advisory board

3           A. Each coroner establishing the program authorized in R.S. 28:215.1  
 4           shall establish a Coroner's Strategic Initiative for a Health Information and  
 5           Intervention Program Advisory Board to advise the coroner on matters related  
 6           to the services and programs provided through the Coroner's Strategic  
 7           Initiative for a Health Information and Intervention Program. The advisory  
 8           board shall serve the coroner only in an advisory capacity and shall not have  
 9           any control or authority over the services or programs provided or funds  
 10           expended by the office of the coroner to carry out the functions of the Coroner's  
 11           Strategic Initiative for a Health Information and Intervention Program. The  
 12           advisory board shall be domiciled in the same parish in which the CSI/HIP is  
 13           maintained.

14                   B. The membership of the advisory board shall be the following:

15                   (1) The executive director of the coroner's office, who shall also serve as  
 16                   the chairperson of the advisory board.

17                   (2) The director of the Mental Health Advocacy Service or his designee.

18                   (3) One member appointed by the chief executive officer of a hospital  
 19                   within the parish where the CSI/HIP is located and which operates a psychiatric  
 20                   ward.

21                   (4) One member appointed by the executive director of the human  
 22                   services authority/district which serves the parish where the CSI/HIP is located.

23                   (5) One member appointed by the National Alliance for the Mentally Ill  
 24                   for the parish in which the CSI/HIP is located.

25                   (6) One member appointed by the Ministerial Alliance for the parish in  
 26                   which the CSI/HIP is located.

27                   (7) One member appointed by the coroner who is a member of a civic  
 28                   organization which provides charitable resources or services to low income  
 29                   patients in the parish where the CSI/HIP is located.

30                   C. Meetings of the advisory board shall be held at a time and place as

determined by the chairperson or when requested by a majority of the board members. Notice of all meetings of the board, together with an agenda of the business to come before the board, shall be provided to the public. The board shall be subject to the Open Meetings Law (R.S. 42:4.1 et seq.) and the Public Records Law (R.S. 44:1 et seq.). A majority of the individuals appointed to the board shall constitute a quorum.

D. Members of the board shall serve on a voluntary basis and shall not receive any compensation or reimbursement for expenses.

§215.6. Limitation of liability

A. Any and all personnel of the office of the coroner, who are performing duties in conjunction with the Coroner's Strategic Initiative for a Health Information and Intervention Program ("CSI/HIP"), shall be immune from criminal penalties or civil damages resulting from any act, decision, omission, communication, or any failure to act, which is made in good faith, including but not limited to any action pursuant to Part XXIII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, while engaged in the performance of the functions provided for in R.S. 28:215.2, unless the damage or injury is caused by willful or wanton negligence or gross misconduct.

B. For the purposes of this Section, the "personnel of the office of the coroner" shall mean any person who provides services or furnishes assistance pursuant to this Part, including an employee, contractor, or volunteer.

Section 2. R.S. 44:4.1(B)(15) is hereby amended and reenacted to read as follows:

§4.1. Exceptions

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B. The legislature further recognizes that there exist exceptions, exemptions, and limitations to the laws pertaining to public records throughout the revised statutes and codes of this state. Therefore, the following exceptions, exemptions, and limitations are hereby continued in effect by incorporation into this Chapter by citation:

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1 (15) R.S. 28:56, 215.4, 391, 398

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_